

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

TOM SCOTTO,

Plaintiff,

v.

MICHAEL STORMS and JANE DOE  
STORMS, husband and wife; CITY OF  
SUNNYSIDE, a municipal  
corporation,

Defendants.

No. CV-05-3056-FVS

ORDER OF DISMISSAL

**BEFORE THE COURT** is the Plaintiff's Motion for Dismissal Without Prejudice and Costs Pursuant to Federal Rule of Civil Procedure 41(a)(1)(2), Ct. Rec. 7. The agreement of the parties to this dismissal is evidenced by the affirming signature of defense counsel. The Court has reviewed the motion and declaration of counsel and determines that dismissal is appropriate in this action.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Dismissal Without Prejudice and Costs, Ct. Rec. 7, is **GRANTED**. This action **DISMISSED WITHOUT PREJUDICE AND WITHOUT COSTS**.

**IT IS SO ORDERED.** The District Court Executive is hereby directed to enter this Order, furnish copies to counsel, and **CLOSE THE FILE**.

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**DATED** this 14th day of October, 2005.

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s/Fred Van Sickle  
Fred Van Sickle  
United States District Judge